



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,313	03/16/2000	Michael E. Pietraszak	14531.57.1	2247

47973 7590 01/14/2005

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527,313

Applicant(s)

PIETRASZAK ET AL.

Examiner

James Sheleheda

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45 and 47-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45, 47-55, 71 and 72 is/are allowed.
- 6) ☒ Claim(s) 56-70, 73 and 74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 56, 60-64 and 67-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Proehl et al. (Proehl) (6577,350).

As to claim 56, Proehl discloses in a system having one or more applications (Fig. 2), a method for managing electronic program guide (EPG) data received from one or more EPG data providers (column 1, lines 43-57) comprising the acts of:

receiving EPG data from one or more EPG data providers (EPG data from a satellite provider; column 3, lines 31-44);

scaling the receiving EPG data both temporally and selectively (through use of a zoom function; column 7, lines 4-18; Fig. 10), wherein temporal scaling includes selecting an adjustable and user-definable time period for which the collected EPG (Fig. 10; wherein the user can zoom to increase or decrease the programming time period displayed; column 7, lines 13-23) will be stored (wherein selected EPG data to be displayed is stored in DRAM, 25a for subsequent output; column 4, lines 32-44) and

wherein selective scaling includes selecting a variable and customizable level of richness (wherein the user can zoom in/out to display more or less channels and programs; Fig. 10, column 7, lines 8-23 and lines 34-50) for which a variable amount of the collected EPG data (dependent upon the current zoom level; Fig. 10, column 7, lines 8-23 and lines 34-50) will be stored (wherein selected EPG data to be displayed is stored in DRAM, 25a for subsequent output; column 4, lines 32-44) corresponding to one or more selected channels (EPG data corresponding to the currently selected channels to be displayed in the zoomed EPG; Fig. 10, column 7, lines 13-23); and writing the scaled EPG data into a storage (Fig. 2, DRAM, 25a) associated with the system (storing the selected EPG data in DRAM, 25a for subsequent display output; column 4, lines 32-44).

As to claim 64, Proehl discloses a computer program product (Fig. 2) for use in a system having one or more applications, the computer program product for implementing a method for managing electronic program guide (EPG) data received from one or more EPG data providers (column 1, lines 43-57), the computer program product comprising one or more computer-readable media (ROM, 37) having thereon computer executable instructions (code controlling the EPG system; column 4, lines 18-23) that, when executed by one or more processors of the system (CPU, 29), cause the system to perform the following:

detecting receipt of EPG data from one or more EPG data providers (EPG data from a satellite provider; column 3, lines 31-44);

scaling the receiving EPG data both temporally and selectively (through use of a zoom function; column 7, lines 4-18; Fig. 10), wherein temporal scaling includes selecting an adjustable and user-definable time period for which the collected EPG (Fig. 10; wherein the user can zoom to increase or decrease the programming time period displayed; column 7, lines 13-23) will be stored (wherein selected EPG data to be displayed is stored in DRAM, 25a for subsequent output; column 4, lines 32-44) and wherein selective scaling includes selecting a variable and customizable level of richness (wherein the user can zoom in/out to display more or less channels and programs; Fig. 10, column 7, lines 8-23 and lines 34-50) for which a variable amount of the collected EPG data (dependent upon the current zoom level; Fig. 10, column 7, lines 8-23 and lines 34-50) will be stored (wherein selected EPG data to be displayed is stored in DRAM, 25a for subsequent output; column 4, lines 32-44) corresponding to one or more selected channels (EPG data corresponding to the currently selected channels to be displayed in the zoomed EPG; Fig. 10, column 7, lines 13-23); and writing the scaled EPG data into a storage (Fig. 2, DRAM, 25a) associated with the system (storing the selected EPG data in DRAM, 25a for subsequent display output; column 4, lines 32-44).

As to claims 60 and 67, Proehl discloses wherein the act of scaling the EPG data further comprises an act of selectively scaling the EPG data according to time (Fig. 10; wherein the user can zoom to increase or decrease the programming time period displayed; column 7, lines 13-23).

As to claims 61 and 68, Proehl discloses an act of limiting the amount of scaled EPG data that may be placed in the storage (wherein the amount of EPG data scaled and stored into DRAM, 25a is inherently limited by the size of the memory; column 4, lines 40-44).

As to claims 62 and 69, Proehl discloses an act of removing expired EPG data from the storage (wherein upon user selection of broadcast and EPG information, data is retrieved and forwarded to DRAM, 25a for display thus removing the now expired and undesired data; column 4, lines 32-44).

As to claims 63 and 70, Proehl discloses an act of accessing, for the one or more applications (code controlling CPU, 29 and the system; column 4, lines 40-44), the EPG data in the storage (outputting the EPG data from DRAM, 25a for display; column 4, lines 40-44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 57-59, 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl as applied to claims 56 and 64 above, and further in view of Usui et al. (Usui) (6,075,570) (of record).

As to claims 57 and 65, while Proehl discloses the act of receiving EPG data, he fails to specifically disclose receiving EPG data from a plurality of EPG data providers in a plurality of different formats, the method further comprising reformatting the received EPG data into a standardized format compatible with the system, wherein the act of receiving EPG data from a plurality of EPG data providers in a plurality of different formats comprises the following:

an act of receiving EPG data from a first EPG data provider using a first loader module; and

an act of receiving EPG data from a second EPG data provider using a second loader module.

In an analogous art, Usui discloses AV system (Fig. 1, column 3, lines 30-36) which will receive EPG data from a plurality of EPG data providers (IRD, 4 and TV receiver, 5; column 10, lines 30-42 and lines 49-56) in a plurality of different formats (Fig. 8, column 10, lines 43-48 and lines 57-63), the method further comprising reformatting the received EPG data into a standardized format compatible with the system (Fig. 8, column 10, lines 43-48 and lines 57-63), wherein the act of receiving EPG data from a plurality of EPG data providers in a plurality of different formats comprises the following:

an act of receiving EPG data from a first EPG data provider using loader module (wherein some loader module is inherently present to perform the steps of Fig. 8, such as selecting equipment and requesting, converting and storing data); and

an act of receiving EPG data from a second EPG data provider using a loader module (wherein some loader module is inherently present to perform the steps of Fig. 8, such as selecting equipment and requesting, converting and storing data) for the typical benefit of allowing EPG data from multiple sources to be received and easily and quickly accessed by a user (column 10, lines 9-13 and column 11, lines 36-43).

Additionally, as previously cited and uncontested by applicant, examiner takes Official Notice that it is well known in the art to create an instance of a module to interface with applications, such as in programming language using object-oriented architecture, for the benefits of providing a flexible, re-programmable environment. This applies to not only providing separate loader modules, but also to any "module" or C++ type class that allows easy adaptation of a system using object oriented techniques such as inheritance, polymorphism, etc.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Proehl's system to include receiving EPG data from a plurality of EPG data providers in a plurality of different formats, the method further comprising reformatting the received EPG data into a standardized format compatible with the system, wherein the act of receiving EPG data from a plurality of EPG data providers in a plurality of different formats comprises the following:

an act of receiving EPG data from a first EPG data provider using a module; and

an act of receiving EPG data from a second EPG data provider using a loader module, as taught by Usui, for the typical benefit of allowing EPG data from multiple sources to be received and easily and quickly accessed by a user.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Proehl's system to include using a first and second loader module to receive the first and second EPG data for the benefits of providing a flexible, re-programmable environment.

As to claims 58 and 66, Proehl and Usui disclose an act of implementing conflict resolution for the first and second loader modules (as indicated in the use of separate loader modules above and further by comparing broadcast names and programs from sources to determine if the programs need to be preserved as different pieces of information, or if they are the same; see Usui at column 11, lines 23-35).

As to claim 59, Proehl and Usui disclose wherein the first and second loader modules follow a priority scheme (with a step of making a selection as to which receiving equipment to select, seen in Fig.7, step S21. As seen in Fig. 6, a user may select the EPG category to be received and displayed using equipment button 244. This then causes controller 204 to implement a selection for receiving, integrating, and displaying EPG data utilizing the processes seen in Figs.7 and 8).

Art Unit: 2614

5. Claims 73 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl as applied to claims 56 and 64 above, and further in view of Durden et al. (Durden) (6,157,411) (of record).

As to claims 73 and 74, while Proehl discloses scaling the EPG data, he fails to specifically disclose wherein EPG data corresponding to more impending broadcast times being richer than EPG data corresponding to less impending broadcast times.

In an analogous art, Durden discloses a system (Fig. 3) wherein EPG data is scaled such that more impending broadcast times are richer than the EPG data corresponding to less impending broadcast times (full EIT versus sparse EIT; see Fig. 2, column 2, lines 41-60) for the typical benefit of providing a user with information pertaining to a longer period of time (column 1, lines 51-60).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Proehl's system to include wherein EPG data corresponding to more impending broadcast times being richer than EPG data corresponding to less impending broadcast times, as taught by Durden, for the typical benefit of providing a user with information pertaining to a longer period of time.

Response to Arguments

6. Applicant's arguments with respect to claims 56-70, 73 and 74 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

7. The following is a statement of reasons for the indication of allowable subject matter:

Claims 45-55, 71 and 72 are allowable because the prior art fails to teach or disclose a system for receiving electronic program guide data from one or more EPG data providers in a plurality of data formats and for providing that data in a standardized format, comprising:

an EPG services module for receiving EPG data and providing consolidated EPG data in a standardized format to one or more applications, the EPG services module comprising:

a separate EPG loader module for each EPG data source, each EPG loader module configured to receive EPG data in a native format and convert the received EPG data into a standardized format;

an EPG writer module logically connected to each EPG loader module with instructions for

collecting the EPG data in a standardized format;

scaling the collected EPG data both temporally and selectively, wherein temporal scaling includes selecting an adjustable and user-definable time period for which the collected EPG data will be stored, and wherein selective scaling includes selecting a variable and customizable level of richness for which a variable amount of the collected EPG data will be stored corresponding to one or more selected channels; and

writing the scaled EPG data to a storage; and

an EPG control module having executable instructions for

receiving requests for EPG data from the one or more applications;

retrieving the EPG data responsive to the request from the storage; and

returning the requested EPG data to the one or more applications; and

an application program interface to provide a standardized interface

between the EPG control module and the one or more applications requiring EPG data,

such that the system can be readily modified to add or remove data providers or accommodate changes in the formats of the EPG data without having to modify or update code of the applications.

A background search found similar prior art, however, not completely as claimed.

For example, Usui et al. (6,075,570) discloses a wherein received EPG data is scaled according to user adjustable and user definable factors (column 9, lines 10-25). Usui fails, however, to disclose scaling the collected EPG data both temporally and selectively, wherein temporal scaling includes selecting an adjustable and user-definable time period for which the collected EPG data will be stored, and wherein selective scaling includes selecting a variable and customizable level of richness for which a variable amount of the collected EPG data will be stored corresponding to one or more selected channels.

Proehl et al. (6,577,350) discloses scaling the collected EPG data both temporally and selectively to be stored **for display**. Proehl fails, however, to disclose an EPG control module having executable instructions for receiving requests for EPG data from the one or more applications; retrieving the EPG data responsive to the request from the storage; and returning the requested EPG data to the one or more applications; and an application program interface to provide a standardized interface between the EPG control module and the one or more applications requiring EPG data.

Durden et al. (6,442,756) discloses a wherein received EPG data is scaled corresponding to more impending broadcast times being richer than EPG data corresponding to less impending broadcast times. Durden fails, however, to disclose wherein the scaling is variable and customizable.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2614

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600